

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 14 September 2021

Public Authority: The General Teaching Council for Northern Ireland

Address: 75 Great Victoria St
Belfast
BT2 7AF

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-45233-L6H9, for a decision whether a request for information made by the complainant to the General Teaching Council Northern Ireland (GTCNI) on 13 May 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 13 May 2019 the complainant made a multi-part request for information, comprising 16 items.
3. GTCNI responded on 10 June 2019. In its correspondence, it variously provided information and explanations and responded to his questions. It also denied holding recorded information within the scope of some parts of the multi-part request.
4. GTCNI eventually provided an internal review on 30 July 2020. It revised its position, citing sections 22 (information intended for future publication) and 21 (information accessible to applicant by other means) as well as confirming its application of section 42 (legal professional privilege). GTCNI advised the complainant, with regard to point 5 of the request, that it would be considered as a fresh request for information.
5. On 3 September 2020, the complainant wrote to the Commissioner to complain about GTCNI's handling of his request for information, specifically parts (1), (2), (5) and (10) of the multi-part request. He advised that, having allowed GTCNI additional time to respond to part (5) of the request, it had failed to do so. In addition, he expressed dissatisfaction with procedural issues and GTCNI's application of exemptions.
6. On 17 June 2021, the Commissioner wrote to GTCNI, setting out the scope of her investigation and the information she required from GTCNI in order to progress the case. GTCNI was asked to respond by 16 July 2021.
7. At the time of writing, despite a telephone call on 4 August 2021 with GTCNI in which it advised that it would respond by 13 August 2021, and a further reminder letter on 7 September 2021, she has received no response.

Information required

8. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that GTCNI shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - a substantive response to the Commissioner's letter of 17 June 2021 (fresh copy attached).

- copies of any and all information that GTCNI wishes to withhold in respect of the original request.

Failure to comply

9. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

10. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

**Laura Tomkinson
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**